

JUL 21 2006

PATENT  
Atty Docket No. 1113-014/MMM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

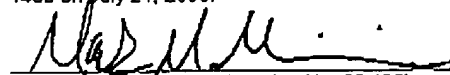
First Named Inventor: Shima  
Application Number: 09/866,011  
Filing Date: May 25, 2001  
Title: Optical Monitoring Apparatus with  
Image-Based Distance Accommodation

Date of Amendment: December 17, 2004

Examiner: Bhatnagar, Anand P.  
Art Unit: 2623

Certificate of Transmision Under 37 C.F.R. § 1.8

I hereby certify that this paper and the documents  
referred to as being attached or enclosed herewith  
are being transmitted to Commissioner For  
Patents, PO Box 1450, Alexandria, VA 22313-  
1450 on July 21, 2006.



Mark M. Meininger (Registration No. 32,428)  
Attorney of Record

**VIA FACSIMILE  
5 PAGES**

**TRANSMITTAL LETTER**


Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Enclosed for filing in the above-identified application is/are:

- PTOL-85 and Issue Fee
- Petition to Revive Patent Application Abandoned Unintentionally
- Credit card authorization form for \$3200 is enclosed

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Respectfully Submitted,



Mark M. Meininger  
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JUL 21 2006

PTO/85/54 (10-01)

Approved for use through 10/31/2002. OMB 0551-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
1113-014/MMM

First named Inventor: Shima

Application No.: 09/866,011

Art Unit: 2623

Filed: 5/25/2001

Examiner: Bhatnagar, Anand P

Title: Optical Monitoring Apparatus with Image-Based Distance Accomodations

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☐ is enclosed herewith.

B. The issue fee of \$ 1700.

- ☐ has been paid previously on \_\_\_\_\_  
☒ is enclosed herewith.

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[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/64 (10-01)

Approved for use 10/31/2002 OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

July 21, 2006

Date

  
SignatureTelephone  
Number: 503) 419-0705

Mark M. Meininger

Typed or printed name

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Address

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Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: PTOL-85 - Issue fee transmittal

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

July 21, 2006

Date

  
Signature

Mark M. Meininger

Type or printed name of person signing certificate

[Page 2 of 2]